REMARKS

This is in response to the Office Action mailed on February 3, 2004, and the references cited therewith.

Claims 1, 7, 16, and 19 are amended; as a result, claims 1-20 are now pending in this application.

§112 Rejection of the Claims

Claim 19 was rejected under 35 USC § 112, second paragraph, for containing the trademark/trade name Novell. Applicants have removed the reference to Novell from claim 19. Thus, this rejection is no longer appropriate.

§102 Rejection of the Claims

Claims 1-2, 4, 6-9, 12, 14-18 and 20 were rejected under 35 USC § 102(e) as being anticipated by Tumblin et al. (U.S. 6,490,679). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element of the rejected claims must be taught or suggested in the cited reference. Here, the Tumblin references does not teach or suggest modifying any protocol stack, as is now positively recited and claimed in Applicants' amended independent claims 1, 7, and 16.

More specifically, the Tumblin reference is directed to integrating applications into a Security Key Infrastructure (SIM) environment. This is a very specific approach discussed and used in Tumblin, which requires a series of Application Programming Interfaces (APIs) that listen for and modify interactions between applications and services over a network.

Applicants' amended independent claims now clearly and positively recite that the data is received at an upper connection layer of a protocol stack. That data is passed to a security layer and the resulting encrypted data sent to a lower connection layer of the protocol stack (same protocol stack). This cannot be achieved with the API teachings of Tumblin, since in Tumblin the API that receives the data from an application is not the same API that subsequently transmits key data. The Examiner's attention is directed to FIG. 7 of Tumblin where it is clear that at least two separate APIs are required to achieve the teachings in Tumblin, namely, SIM and NSIM.

Moreover, it is clear that in Tumblin there is no modification of any particular protocol stack. That is, in Tumblin there is no ability to use a protocol that interfaces an application and network service together to achieve secure communications. This is so, because Tumblin does not modify the protocol stack; it simply listens and interjects itself into a communication occurring over a network. All the processing steps and teachings of Tumblin in fact occur at a level above the protocol stack of any particular protocol.

Conversely, Applicants' amended independent claims permit an application to use its traditional protocol to perform normal communications with another application or service, the protocol stack is modified for that protocol so as to interleave a security layer which the application is total unaware of. In fact, the normal protocol, which is processing, need not be aware of the stack modification or processing flow interruption. The benefit here is that, the Applicants' technique is more transparent and a more decoupled approach than the complex API technique which is presented in Tumblin. Again, in Tumblin, there is no modification of a protocol stack or for that matter there is not any processing in Tumblin where a normal protocol's processing is transparently modified or interrupted so as to provide secure communications.

Thus, Applicants respectfully request that the present rejections be withdrawn.

§103 Rejection of the Claims

Claims 3 and 10 were rejected under 35 USC § 103(a) as being unpatentable over Tumblin et al. in view of SSL-Talk List FAQ Secure Sockets Layer Discussion List FAQ v1.1.1 ("SSL-Talk List FAQ"). Claims 3 and 10 are dependent from amended independent claims 1 and 7, respectively. Correspondingly, for the reasons stated above with respect to those independent claims these depended claims should be allowed.

Claim 5 was rejected under 35 USC § 103(a) as being unpatentable over Tumblin et al. in view of Samar (U.S. 6,304,974). Claim 5 is dependent from amended independent claim 1. Thus, for the reasons stated above with respect to that independent claim, claim 5 should be allowed.

Claims 11 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Tumblin et al. in view of Novell NetWare Connection Enhanced NetWare 5 ("What's Enhanced in NetWare 5"). Claims 11 and 19 are dependent from amended independent claims 7 and 16, respectively. Correspondingly, for the reasons stated above with respect to those independent claims these depended claims should be allowed.

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over Tumblin et al. in view of Microsoft Security Advisor SSL Specific WSAIoctl Controls ("MS SSL Advisor"). Claim 13 is dependent from amended independent claim 7. Thus, for the reasons stated above with respect to that independent claim, claim 7 should be allowed

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 4-29-04

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of April, 2004.

Peter Rebuffoni
Name

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Signature